OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2021 Rhif 349 (Cy. 101)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Deddf Archwilio Cyhoeddus (Cymru) 2004 (Diwygio) (Cyrff Llywodraeth Leol yng Nghymru) 2021

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae Deddf Archwilio Cyhoeddus (Cymru) 2004 (p. 23) yn rhoi swyddogaethau ychwanegol i Archwilydd Cyffredinol Cymru, (sefydlwyd swyddfa'r Archwilydd gan adran 90 o Ddeddf Llywodraeth Cymru 1998 (p. 38) – sydd erbyn hyn wedi ei ddisodli gan adran 145 o Ddeddf Llywodraeth Cymru 2006 (p. 32)), gan gynnwys gwneud darpariaeth ynghylch archwilio cyfrifon cyrff cyhoeddus yng Nghymru.

Mae adran 12(1) o Ddeddf 2004 yn rhestru'r cyrff llywodraeth leol yng Nghymru y mae Rhan 2 o'r Ddeddf honno yn gymwys iddynt. Mae adran 12(2) o'r Ddeddf honno yn galluogi Gweinidogion Cymru, drwy Orchymyn, i ddiwygio'r rhestr honno.

Mae'r Gorchymyn hwn yn ychwanegu cyd-bwyllgorau corfforedig a sefydlir drwy Reoliadau a wneir o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 at y rhestr yn adran 12(1) o Ddeddf 2004. Mae'r Gorchymyn hefyd yn gwneud mân ddarpariaeth ganlyniadol ac atodol.

Mae cyd-bwyllgorau corfforedig yn gyrff corfforedig sy'n cynnwys yr awdurdodau lleol hynny yng Nghymru a bennir mewn Rheoliadau sy'n sefydlu cyd-bwyllgor corfforedig ac, o dan rai amgylchiadau, awdurdodau Parciau Cenedlaethol yn Nghymru os yw'r Rheoliadau hynny yn gwneud darpariaeth i'r perwyl hwnnw.

2021 No. 349 (W. 101)

LOCAL GOVERNMENT, WALES

The Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021

EXPLANATORY NOTE

(This note is not part of the Order)

The Public Audit (Wales) Act 2004 (c. 23) confers additional functions on the Auditor General for Wales, (the office of Auditor was established by section 90 of the Government of Wales Act 1998 (c. 38) – now superseded by section 145 of the Government of Wales Act 2006 (c. 32)), including making provision about the audit of accounts of public bodies in Wales.

Section 12(1) of the 2004 Act lists the local government bodies in Wales to which Part 2 of that Act applies. Section 12(2) of that Act enables the Welsh Ministers, by Order, to amend that list.

This Order adds corporate joint committees established by Regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 to the list in section 12(1) of the 2004 Act. The Order also makes minor consequential and supplementary provision.

Corporate joint committees are bodies corporate consisting of such local authorities in Wales as are specified in Regulations establishing a corporate joint committee and, in some circumstances, National Park authorities in Wales if those Regulations make provision to that effect.

Mae'r Gorchymyn hwn yn gysylltiedig â Rheoliadau sy'n sefydlu cyd-bwyllgorau corfforedig penodol o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021. Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau sy'n sefydlu cyd-bwyllgorau corfforedig a gorchmynion a rheoliadau cysylltiedig. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol. Gellir cael copi oddi wrth: yr Is-adran Cyllid Strategol Llywodraeth Leol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

This Order is connected with Regulations which establish certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the Regulations which establish corporate joint committees and connected orders and regulations. As a result a regulatory impact assessment has been prepared. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2021 Rhif 349 (Cy. 101)

LLYWODRAETH LEOL, CYMRU

Gorchymyn Deddf Archwilio Cyhoeddus (Cymru) 2004 (Diwygio) (Cyrff Llywodraeth Leol yng Nghymru) 2021

Gwnaed *17 Mawrth 2021*

Yn dod i rym *1 Ebrill 2021*

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddwyd i Gynulliad Cenedlaethol Cymru(**1**) gan adran 12(2) o Ddeddf Archwilio Cyhoeddus (Cymru) 2004(**2**), ac a freiniwyd bellach ynddynt hwy, a'r pwerau a roddir i Weinidogion Cymru gan adran 58 o'r Ddeddf honno(**3**), yn gwneud y Gorchymyn a ganlyn.

Gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd drwy benderfyniad ganddi yn unol â pharagraff 35(3) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

Enwi a dod i rym

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Archwilio Cyhoeddus (Cymru) 2004 (Diwygio) (Cyrff Llywodraeth Leol yng Nghymru) 2021.

(2) Daw'r Gorchymyn hwn i rym ar 1 Ebrill 2021.

(**1**) 1998 p. 38. Rhoddwyd y pŵer o dan sylw i Gynulliad Cenedlaethol Cymru a sefydlwyd gan adran 1 o Ddeddf Llywodraeth Cymru (p. 38), ac fe'i disodlwyd gan Gynulliad Cenedlaethol Cymru a sefydlwyd gan adran 1 o Ddeddf Llywodraeth Cymru 2006 (p. 32) ac a ailenwyd bellach yn Senedd Cymru neu the Welsh Parliament yn rhinwedd adran 2 o Ddeddf Senedd ac Etholiadau (Cymru) 2020 (dccc 1).

(**2**) 2004 p. 23. Mae'r pŵer a roddwyd i Gynulliad Cenedlaethol Cymru gan adran 12(2) wedi ei freinio bellach yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 iddi.

(**3**) Diwygiwyd adran 58 gan baragraffau 20 a 58 o Atodlen 4 i Ddeddf Archwilio Cyhoeddus (Cymru) 2013 (dccc 3).

WELSH STATUTORY INSTRUMENTS

2021 No. 349 (W. 101)

LOCAL GOVERNMENT, WALES

The Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021

Made *17 March 2021*

Coming into force *1 April 2021*

The Welsh Ministers, in exercise of the power conferred on the National Assembly for Wales(**1**) by section 12(2) of the Public Audit (Wales) Act 2004(**2**), and now vested in them, and the powers conferred on the Welsh Ministers by section 58 of that Act(**3**), make the following Order.

A draft of this instrument was laid before and approved by a resolution of Senedd Cymru in accordance with paragraph 35(3) of Schedule 11 to the Government of Wales Act 2006.

Title and coming into force

1.—(1) The title of this Order is the Public Audit (Wales) Act 2004 (Amendment) (Local Government Bodies in Wales) Order 2021.

(2) This Order comes into force on 1 April 2021.

(**1**) 1998 c. 38. The power in question was conferred on the National Assembly for Wales established by section 1 of the Government of Wales Act 1998 (c. 38), that Assembly was superseded by the National Assembly for Wales established by section 1 of the Government of Wales Act 2006 (c. 32) and now renamed Senedd Cymru or the Welsh Parliament by virtue of section 2 of the Senedd and Elections (Wales) Act 2020 (anaw 1).

(**2**) 2004 c. 23. The power conferred on the National Assembly for Wales by section 12(2) is now vested in the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) Section 58 was amended by paragraphs 20 and 58 of Schedule 4 to the Public Audit (Wales) Act 2013 (anaw 3).

Diwygio Deddf Archwilio Cyhoeddus (Cymru) 2004

2.—(1) Mae Deddf Archwilio Cyhoeddus (Cymru) 2004 wedi ei diwygio fel a ganlyn.

(2) Yn adran 12(1) (cyrff llywodraeth leol yng Nghymru), ar ôl paragraff (b) mewnosoder—

"(ba) a corporate joint committee;".

(3) Yn adran 25 (y weithdrefn ar gyfer ystyried adroddiadau ac argymhellion), ar ôl is-adran (8) mewnosoder—

"(8A) Where a duty imposed on a body by this section is imposed on a corporate joint committee, the duty may not be discharged on behalf of the corporate joint committee by—

(a) a sub-committee of the corporate joint committee, or

(b) any other person."

(4) Yn adran 59 (dehongli Rhan 2), ar ôl is-adran (8) mewnosoder—

"(9) "Corporate joint committee" means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021."

Amendment of the Public Audit (Wales) Act 2004

2.—(1) The Public Audit (Wales) Act 2004 is amended as follows.

(2) In section 12(1) (local government bodies in Wales), after paragraph (b) insert—

"(ba) a corporate joint committee;".

(3) In section 25 (procedure for consideration of reports and recommendations), after subsection (8) insert—

"(8A) Where a duty imposed on a body by this section is imposed on a corporate joint committee, the duty may not be discharged on behalf of the corporate joint committee by—

(a) a sub-committee of the corporate joint committee, or

(b) any other person."

(4) In section 59 (interpretation of Part 2), after subsection (8) insert—

"(9) "Corporate joint committee" means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021."

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
17 Mawrth 2021

Minister for Housing and Local Government, one of the Welsh Ministers
17 March 2021

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